

REMARKS

Claims 1–5, 8–13 and 16–18 are pending. Reconsideration of the application is requested.

§ 102 Rejections

Claims 1–5, 8–13 and 16–18 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 6,164,494 (hereinafter Mareli).

Applicants acknowledge with gratitude the Patent Office clarification of the rejection over Mareli. Applicants maintain traversal of this rejection, however, on the basis of at least two distinctions between the tang and ratchet approach of Mareli and the presently claimed invention.

First, as Applicants noted in their previous reply, the Patent Office does not point to anything in Mareli that teaches, suggests or describes that there is counting motion that takes place during both the outward and return stroke, as claimed in claim 1.

In fact, Mareli, in its own terms, describes the counting mechanism at the bottom of column 3 and top of column 4, and there, clarifies that all of the counting occurs on the outward stroke. At the paragraph beginning at line 58, column 3, Mareli describes that during the outward (down) stroke, when the profiled end of the tang 17 moves to tooth b from its original position in tooth a (while tang 19 remains locked in position), the counting body 15 rotates “towards the left (with reference to the figure) through *one step*.” Emphasis added. Thus, the entire counting step is accomplished by the movement of tang 17 on the outward stroke. By Mareli’s own description, no counting occurs on the return stroke. The return stroke serves to drag tang 19 “to jump over the inclined surface of tooth d and become positioned between the teeth d and e.” Column 4, lines 11 to 13 of Mareli. Thus, the return stroke holds all other features in place and simply drags tang 19 into its new rest position.

A second distinction between claim 1 and the disclosure of Mareli is that claim 1 provides that “the counter member being biased towards the ratchet and trigger members”. This is not the case in Mareli. In fact, the flexible tangs of Mareli serve to bias the counter member 15 *against*, not toward the so-called ratchet and trigger members (12 and 11).

For at least these reasons, the rejection of claim 1 under 35 USC § 102(b) as being anticipated by Mareli is inappropriate and should be withdrawn.

Claims 2–5, 8–13 and 16–18 each ultimately depend from and incorporate the features of claim 1. Because the rejection of claim 1 fails to establish a prima facie case for anticipation as discussed above, the rejection of dependent claims 2–5, 8–13 and 16–18 fail for at least these same reasons. Accordingly, the rejection of claims 1–5, 8–13 and 16–18 as being anticipated by Mareli is inappropriate and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application is requested.

Respectfully submitted,

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